



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,705	01/05/2004	Kiyo Hoshino	10774.0033.N	2877

7590

06/16/2005

Jeffrey J. Phillips
Howrey Simon Arnold & White, L.L.P.
750 Bering Drive
Houston, TX 77057

EXAMINER

WHITE, DWAYNE J

ART UNIT	PAPER NUMBER
----------	--------------

3745

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

9A

Office Action Summary

Application No.

10/751,705

Applicant(s)

HOSHINO, KIYO

Examiner

Dwayne J. White

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19, 21-28, 30-60 is/are rejected.
- 7) ☒ Claim(s) 9, 20 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/05/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear what the metes and bounds of the claim are. Claim 24 recites, "a cover for a ceiling fan, comprising a one-piece covering material secured to a plurality of ceiling fan blades." It is unclear whether Applicant's claimed invention is a cover as characterized in the beginning of the claim or as a combination of a cover and ceiling fan blades as recited in the body of the claim. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 4, 5, 13-16, 21-23, 39-41, 43, 44, and 46-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Calvo (5,462,407). Calvo disclose ceiling fan assembly comprising: a continuous flexible frame member 64 capable of being folded into a compact form defining a plurality of fan blades 76; a one-piece stretchable fabric covering 72 secured to the frame member; and a frame holder 4 that secures the frame member to the fan motor 5. The

Art Unit: 3745

frame holder has predefined grooves 12 for accepting and positioning the frame member. Calvo further discloses that the frame be used to create more than two blades (Column 5, lines 58-67) of the same length and the effective diameter in the range of 52 inches to 106 inches (Column 5, lines 2-7). Calvo also discloses the covering having logos and other designs (Column 4, lines 32-34).

Claims 24 (as far as it's definite), 28, 34-36, 38, 50, 52-55 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Burt (4,889,543). Burt discloses a cover for a ceiling fan comprising a one-piece covering material 20 secured to a plurality of ceiling fan blades 12-15. The covering allows for any visual design that the user needs (Column 3, lines 1-5) and contains an air filter material. It should be noted that since ceiling fans are well known to be used anywhere there is a need to air circulation; it is the position of the Examiner that the ceiling fan of Burt can be used in an office, home or at an event. Also it should be noted that it is the position of the Examiner that advertising is a visual display and since Burt discloses that various visual displays may be used on the cover it would also include advertisements. Further in regards to claim 58, advertisements by definition promote companies, products and events and therefore claim 58 is rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3745

Claims 7, 8, 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calvo in view of Keyes (5,947,686). Calvo discloses all of the claimed subject matter except the cover being fabricated from Spandex™ or other fabrics, having a plurality of tabs, or an air freshener concealed in a pocket of the covering.

Keyes teaches covering for a ceiling fan blade wherein the covering can be made of spandex or other lightweight fabrics and has a plurality of tabs to secure the cover to the fan blades (column 3, lines 40-65). Keyes also teaches an air freshener concealed in a pocket of the covering (column 4, lines 19-23). Since both Calvo and Keyes disclosed ceiling fan blades having covers, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the cover of Calvo, with the teachings of Keyes, by fabricating the cover from a material as claimed, providing tabs and an air freshener concealed in a pocket of the covering for the purposes of fabricating lightweight fan blades, securing the cover to fan blade and providing air freshening deodorant to the ceiling fan environment.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calvo in view of Anetrini (5,516,264). Calvo discloses all of the claimed subject matter except for the cover including a sewn in band about the periphery of the cover.

Anetrini (5,516,264) teaches a ceiling fan cover wherein the covering includes a sewn in band about the periphery of the covering that engages the fan frame member. Since both Calvo and Anetrini disclose ceiling fan blades having covers, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the cover of Calvo, with the teachings of Anetrini, by providing a band as claimed for the purposes of securing the covering to the fan blade frame.

Art Unit: 3745

Claims 26, 27, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burt in view of Keyes. Burt discloses all of the claimed subject matter except the cover being fabricated from Spandex™ or other fabrics, having a plurality of tabs, or an air freshener concealed in a pocket of the covering.

Keyes teaches covering for a ceiling fan blade wherein the covering can be made of spandex or other lightweight fabrics and has a plurality of tabs to secure the cover to the fan blades (column 3, lines 40-65). Keyes also teaches an air freshener concealed in a pocket of the covering (column 4, lines 19-23). Since both Burt and Keyes disclosed ceiling fan blades having covers, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the cover of Burt, with the teachings of Keyes, by fabricating the cover from a material as claimed, providing tabs and an air freshener concealed in a pocket of the covering for the purposes of fabricating lightweight fan blades, securing the cover to fan blade and providing air freshening deodorant to the ceiling fan environment.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burt in view of Anetrini. Burt discloses all of the claimed subject matter except for the cover including a sewn in band about the periphery of the cover.

Anetrini (5,516,264) teaches a ceiling fan cover wherein the covering includes a sewn in band about the periphery of the covering that engages the fan frame member. Since both Burt and Anetrini disclose ceiling fan blades having covers, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the cover of Burt, with the teachings of Anetrini, by providing a band as claimed for the purposes of securing the covering to the fan blade frame.

Art Unit: 3745

Claims 31, 45, 49, 51, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calvo in view of Burt. Calvo discloses all of the claimed subject matter as stated above except for the plurality of ceiling fan blades being covered by a one-piece covering.

Burt teaches a one piece covering 20 covering a plurality of blades 13/14. Since both Burt and Calvo disclose ceiling fan blades with covers it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the cover of Calvo, with the teachings of Burt, by disposing a one-piece cover on plurality of blades for the purpose of simplifying assembly.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calvo in view of Hardee (4,676,721). Calvo discloses all of the claimed subject matter except for attaching an air filter to the covering.

Hardee teaches a covering having an air filter attached to it. Since both Calvo and Hardee disclose ceiling fans with covers and it is well known that ceiling fans can be used to filter the air that it is circulating, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the cover of Calvo, with the teachings of Hardee, by attaching a filter for the purpose of filter the circulated air.

CONCLSUION

Allowable Subject Matter

Claims 9, 20 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Art Unit: 3745

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J. White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:30 am to 5 pm T-F and alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dwayne White
Patent Examiner
Art Unit 3745

DJW


EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

6/13/05